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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,354	12/18/2001	Joseph Neyman	neyman	3946

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GREENBERG & LIEBERMAN  
314 PHILADELPHIA AVE.  
TAKOMA PARK, MD 20912

EXAMINER

SMITH, KIMBERLY S

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/683,354

Applicant(s)

NEYMAN, JOSEPH 

Examiner

Kimberly S Smith

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3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-9 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-9 and 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 July 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Regarding the amendment to Page 4, lines 2-5. This amendment has been entered however, the amendment does not overcome the objection to the specification as it furthers the lack of clarity in this paragraph. The applicant is asked to review this amendment. To ensure that the proper amendment to the specification is entered, the entire paragraph to which the amended disclosure is related to must be submitted, not just the replacement of 3 lines.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 07/30/02 have been entered. However, it is unclear as to whether the amended figures are a new Figure 3 as stated in the Amendment or is an alteration of Figure 1 as stated in the response. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

4. The drawings are objected to because newly added Figure 3 has been labeled as "Figure 1". A proposed drawing correction or corrected drawings are required in reply to the Office

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action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

5. The disclosure is objected to because of the following informalities: if the applicant clarifies as to whether a new figure 3 has been entered into the specification, a detailed description of this figure and a listing under the heading *Brief Description of Drawings* must be entered into the specification. As priority is not being claimed in the application, the lines relating as such in the specification must be deleted.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 6-9 and 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding claim 1, the amendment to the claim discloses the first and second set of bars form a first and second circular region, respectively. The disclosure has not suggested that the bars form a circular region (i.e. that the bars form a region encompassing 360°). It is suggested that the applicant replace the terminology "circular region" with terminology consistent with the invention such as arced or curved (as used in the initial presentation of the claimed invention).

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9. Claims 13 and 14 recite the limitation "series of bars" in lines 2. There is insufficient antecedent basis for this limitation in the claim. It is suggested the applicant replace "series" with - -set- -.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claim 1, 12-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherbondy, US Patent 4,922,644.

Sherbondy discloses a fishing line apparatus comprising a first elongate plane, a first set of bars, a second set of bars communicating with the first plane (not shown in figure 1, as it a cutaway of the cross-section), a series of legs communicating with the first plane for attaching to the rod of the fishing pole, a generally elongate second plane communicating with the first and second set of bars wherein the first plane and second plane are generally elongate (as they have a length) in parallel to the rod of the fishing pole (see figure below).

Regarding claim 12, Sherbondy disclose a hollow space between the first and second set of bars communicating with the first and second planes.

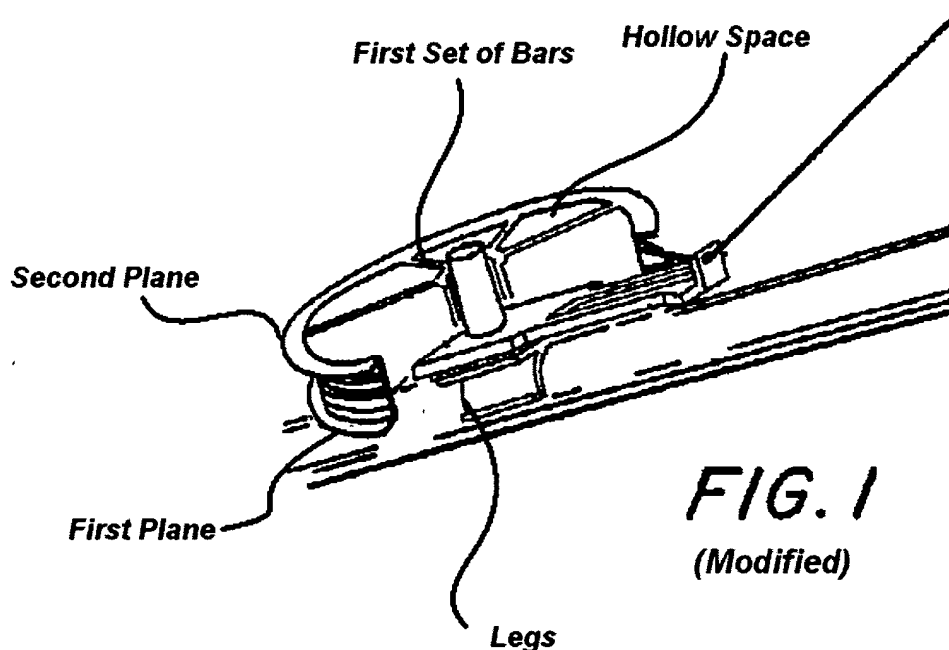
Regarding claim 13, Sherbondy discloses the first and second series of bars creating curvatures from the middle to the exterior of the plans

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Regarding claim 14, Sherbondy discloses the line being wrapped around the first and second series of bars.

Regarding claim 15, the invention of Sherbondy is capable of placing a lure or hook in the hollow space for storage.

Regarding claims 17 and 18, Sherbondy discloses the first and second set of bars being a means for wrapping a fishing line, rope or thread for storage or use



***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherbondy, US Patent 4,922,644.

Sherbondy discloses the invention substantially as claimed. However, Sherbondy does not positively state that there are two slits at opposite ends of the second plane for securing the fishing line. It is however notoriously well known in the art of spooling that the second plane includes slits for the line to be placed while not in use. While it is not necessarily stated that the slits are at opposite ends of the second plane, it would have been obvious for the slits to be placed at any given number of places on the spool (including opposite sides) so that the line may be secured irrespective of the angular location of the line on the spool.

***Allowable Subject Matter***

14. Claims 6-8 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or render obvious in the device as claimed, a set of fasteners in communication with a series of legs which, in light of the specification, secure the legs to the rod when a force is placed on the fasteners to maintain the legs in a locked position.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones (US 4,249,707), Walker (US 3,033,487), Kovacik et al. (Des. 408,719), Crowe (Des.393,411), Davis (Des. 368,847).

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S Smith whose telephone number is 703-308-8515. The examiner can normally be reached on Monday thru Friday 10:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4196 for regular communications and 703-305-3597 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

kss

August 28, 2002